

**MINUTES**

**OF THE**

**June 20, 2019 REGULAR BUSINESS MEETING**



**OF THE**

**OKLAHOMA WORKERS' COMPENSATION COMMISSION**

## **STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE**

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 15, 2018 at 4:02 p.m., in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

### **MINUTES OF THE JUNE 20, 2019 REGULAR BUSINESS MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2<sup>nd</sup> floor, Oklahoma City, Oklahoma, on June 20, 2019.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Executive Director Hopper Smith, WCC; Sarah Greenwalt, WCC; Dana Esparza, WCC; Collin Fowler, WCC; Eric Russell, WCC; Andrea Delling, WCC; and James Lawson, WCC.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

#### **1. Approval of Minutes**

The drafted minutes of the May 16, 2019 public meeting of the Commission were considered for approval.

**Motion:** Commissioner Tilly moved to approve the minutes of the May 16, 2019 public meeting minutes.

**Second:** Commissioner Russel

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

#### **2. Discussion and Consideration of Reducing the Security Deposit of Albertson's Inc., a Former Own Risk Employer, Permit #17320**

Pursuant to Commission Rule 810:25-9-19, a security deposit posted with the Commission as required by Commission Rule 810:25-9-4 must remain in place,

at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced or released at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission considered reducing the security deposit of Albertson's Inc.

James Lawson was recognized, reported, gave his recommendation, and responded to questions of the Commissioners.

**Motion:** Commissioner Russell moved to approve the reduction of the security deposit of Albertson's Inc. as presented.

**Second:** Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**3. Discussion and Consideration to Request an Audit of the Commission by the Office of the State Auditor and Inspector**

The Commission considered requesting a performance audit in accordance with 74 O.S. § 213.2.

**Motion:** Commissioner Russell moved to continue this agenda item.

**Second:** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**4. Discussion and Consideration of Current Commission Policies**

The Commission discussed and considered adopting and/or modifying the following policies:

- a) WCC-2 – Travel Policy

**Motion:** Commissioner Tilly moved to approve WCC-2 – Travel Policy.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

***The motion carried.***

b) WCC-5 – Performance Management Policy

***Motion:*** Commissioner Russell moved to continue consideration of WCC-5 – Performance Management Policy

***Second:*** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

***The motion carried.***

**5. Discussion and Consideration of Consolidation and Amendment of Commission forms for Requesting Claims File Information:**

There are currently two different forms available to request claims file information, for requesters who are both exempt and not exempt from the search fee prescribed by 85A O.S. §120. The Commission considered a different form consolidating the two forms into one.

Eric Russell was recognized, reported, and responded to questions of the Commissioners.

***Motion:*** Commissioner Russell moved to adopt Requesting Claims File form as presented, with a July 1, 2019 implementation date.

***Second:*** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

***The motion carried.***

**6. Discussion and Consideration of Approval of Annual Report**

Pursuant to 85A O.S. § 101(A), on or before the first day of July each year the Commission shall prepare, make public, and submit a report for the prior calendar year to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and each member of the Legislature. The report shall contain a statement of the number of awards made and the causes of the accidents leading to the injuries for which the awards were made, total work load data of the administrative law judges, including a detailed report

of the work load and judgments written by each judge, a detailed statement of the expenses of the Commission, together with any other matter which the Commission deems proper to report.

Eric Russell was recognized, reported, and responded to questions of the Commissioners.

**Motion:** Commissioner Tilly moved to approve the Annual Report, with addendum, as presented.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

#### **7. Discussion and Consideration of Amending the Commission's Organizational Chart**

The staff has been operating under its current organizational chart since March 2018. After a recent review of the organizational chart, a change in the organizational structure may be necessary. The Commission discussed and considered adopting the proposed organizational chart.

**Motion:** Commissioner Tilly moved to adopt the organizational chart as presented.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

#### **8. Consent Agenda for Travel Vouchers Currently Outstanding**

85A O.S. § 23 states that any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission considered a vote to approve the currently outstanding vouchers.

**Motion:** Commissioner Russell moved to approve the consent agenda as presented.

**Second:** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**9. Proposed Approval of Independent Medical Examiners for the Commission**

Title 85A O.S., § 112 requires the Workers' Compensation Commission to create, maintain and review a list of licensed physicians who shall serve as independent medical examiners ("IME"). The Commission shall, to the best of its ability, include the most experienced and competent physicians in the specific fields of expertise utilized most often in the treatment of injured workers. The period of qualification for physicians shall be two (2) years.

**Motion:** Commissioner Tilly moved to approve the IME list as presented.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**10. Discussion and Consideration of Commission's FY19 Budget**

The Commission discussed and considered approval of its FY19 Budget, as proposed.

**Motion:** Commissioner Russell moved to approve the FY19 Budget as presented.

**Second:** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**11. Legislative Update Report**

Commissioner Russell gave a brief report on legislative meetings and legislation affecting the Commission. This report was presented for informational purposes only.

No action was taken on this agenda item.

**12. Discussion and Consideration Regarding Potential Revisions to the Commission Responsibility Memo**

On June 26, 2017, the Commission's Executive Director circulated a memo detailing the responsibilities of the Chairman and of the Commission as a whole. The Commission discussed and considered revising the memo to reflect changes to the agency that have been made within the intervening time frame.

**Motion:** Commissioner Tilly moved to continue this agenda item.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**13. Possible Executive Session Pursuant to Title 25 O.S., § 307(B)(1) for the purpose of Discussing the Employment and Salaries of all of the Administrative Law Judge Positions**

**A. Motion and Vote to enter into Executive Session.**

**Motion:** Commissioner Tilly moved to enter into Executive Session.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**B. Motion and Vote to Reconvene in Open Session.**

**Motion:** Commissioner Tilly moved to reconvene into Open Session.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**14. Announcements**

The Commission's next regularly scheduled appeals meeting is on Friday, June 21, 2019. The Commission's next special business meeting is on Friday, June 21, 2019.

**ADJOURNMENT.....Chairman Mark Liotta**

***Motion:*** Commissioner Tilly moved to adjourn.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried. The meeting adjourned.***